IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.W.P.No.363 of 2006

DATE OF DECISION: NOVEMBER 7, 2006

Ashok Kumar

...PETITIONER

*VERSUS*

State of Punjab and others

...RESPONDENTS

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Ms.Monika Jalota, Advocate,
for the petitioner.
Mr.N.S.Gill, AAG, Punjab.

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The petitioner has filed this petition for issuing a writ in the nature of habeas corpus directing the respondents to produce detenue Lali, real brother of the petitioner, in the Court.

In the petition, it has been alleged that detenue Lali was granted interim anticipatory bail in case FIR No.129 dated 20.4.2006 registered under Sections 452/323/506/34 IPC at Police Station City Nawanshahr, vide order dated 22.4.2006 passed by the Addl.Sessions Judge, Nawanshahr. In spite of the said order, on 25.4.2006 the detenue was illegally detained by respondents No.3 and 4 and they refused to release him on bail by accepting the bail bonds. It has been alleged that the order of interim anticipatory bail was brought to their notice. It has been further alleged that he was also not produced before the Illaqa Magistrate within 24 hours.

Pursuant to the notice, a reply has been filed on behalf of the respondents in which it has been stated that initially the aforesaid FIR was registered under Sections 452/323/506/34 IPC, but later on, on receipt of

the medical report, wherein the head injury of victim Kartar Chand was found dangerous to life, the offence under Section 307 IPC was added on 25.4.2006. Therefore, accused Lali, who caused the aforesaid injury, was arrested on 25.4.2006 for committing the offence under Section 307 IPC and was produced before the Illaqa Magistrate on 26.4.2006. The Chief Judicial Magistrate, Nawanshahr gave police remand up to 28.4.2006, and thereafter, he was sent to judicial custody. In the reply, it has been further stated that the allegations against respondents No.3 and 4 that they have manipulated the record are totally false. It has also been averred that copy of the order dated 22.4.2006 passed by the Additional Sessions Judge, Nawanshahr was not produced before them.

After hearing the counsel for the parties and keeping in view the fact that no interim anticipatory bail was granted to accused Lali for the offence under Section 307 IPC, which was added on 25.4.2006, and the fact that he was arrested for the said offence on the same date and was produced before the Illaqa Magistrate on the next date and is still in judicial custody, I do not find any ground to issue the direction sought for in this petition.

Dismissed.

However, it will be open for the accused Lali to seek regular bail before the competent Court.

November 7, 2006 (SATISH KUMAR MITTAL)
vkg JUDGE